

## **Justification for Other Than Full and Open Competition**

**August 8, 2008**

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by FAR Subpart 6.3 and in accordance with the requirements of FAR 6.303-1, the justification for the use of the statutory authority under FAR Subpart 6.3 is justified by the following facts and rationale required under FAR 6.303-2 as follows:

**(1) *Agency and Contracting Activity. Identification of the agency and the contracting activity, and specific identification of the document as a Justification for other than full and open competition.***

The United States Coast Guard, Aircraft Repair and Supply Center (ARSC), HC-144 Product Line, Elizabeth City, North Carolina, proposes to enter into a contract on the basis of other than full and open competition with the respective Original Equipment Manufacturer (OEM) for the requested warranty support.

**(2) *Nature and/or description of the action being approved.***

The U.S. Coast Guard HC-144 Product Line, Aircraft Repair and Supply Center (ARSC), Elizabeth City, NC has a requirement on a sole source basis to purchase an Extended Warranty for the Star Safire III system on the Medium Range Surveillance (MRS) Maritime Patrol Aircraft (MPA) HC-144A. ARSC seeks approval for a J&A to procure this warranty, through the U.S. General Services Administration (GSA), on a sole source basis, from the OEM listed below.

**(3) *Description of the supplies/services.***

The provisioning of this extended warranty is to provide support of the FLIR (Star Safire III) system manufactured by FLIR Systems, Inc., (64869), 16505 S.W. 72<sup>nd</sup> Avenue, Portland, OR 97224-7224. The US Coast Guard intends to purchase this warranty which consist of onsite support (max 4 visits per year), 1000 hours per year of system usage, Annual Calibration and check up (unlimited), Loaner system when available, Parts and Labor and Customer Liaison support, through GSA Advantage from the OEM.

**(4) *Identification of Statutory Authority Permitting Other Than Full and Open Competition.***

The statutory authority permitting other than full and open competition is 10 USC 2304(c)(1) implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

**(5) *Demonstration That the Nature of the Acquisition Requires Use of the Authority Cited.***

The Coast Guard does not own the rights to the technical manuals, publications or data as these are proprietary to FLIR Systems (OEM). FLIR Systems, as the developer, is the only company with the data rights to sell and service parts associated with its products. Using support from other than the OEM would compromise the integrity of the aircraft and would void any existing warranties.

**(6) *Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.***

The Coast Guard has not yet been officially assigned with operational follow on support for this new Aircraft. The Coast Guard intends to establish a New Product Development Branch to pursue additional sources to provide warranty coverage for this system. At this time the Coast Guard does not have data rights.

## **Justification for Other Than Full and Open Competition**

**August 8, 2008**

**(7) *Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.***

It is the Contracting Officer's opinion that prices offered will be fair and reasonable based on comparisons of the commercial published price lists by the OEM, cost comparison with similar items in the commercial market place and analysis on other than cost and pricing data.

**(8) *Description of the Market Research.***

FLIR Systems, Inc., the Star Safire III system OEM, owns the manuals, publications and data. The Coast Guard does not have any rights to technical data. At this time FLIR Systems is the sole source for this support. The market research consisted of utilizing internet data and information from the OEM to determine that the procurement for this support is commercial in nature.

**(9) *Any Other Facts Supporting the Use of Other Than Full and Open Competition.***

The Coast Guard does not own the data rights and does not anticipate purchasing these data rights. Therefore, it would be difficult to take steps to foster competition as the manufacturing performance and acceptance data are proprietary and the Coast Guard does not have adequate technical data to provide to potential offerors at this time.

**(10) *A listing of the Sources, if Any, That Expressed in Writing, an Interest in the Acquisition.***

A sources sought notice will be posted on FedBizOps for this requirement in support of the HC-144A aircraft. If responses to the synopsis indicate sources available, the file will be documented accordingly and the requirement competed among all eligible offerors.

**(11) *Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.***

The HC-144 Product Line will be merged with the HU25 Product Line in the near future to form a Medium Range Aircraft Product Line. This Product Line will be responsible for developing new sources for the HU25 aircraft as well as the HC-144 aircraft. The Coast Guard plans to establish a New Product Development Branch (NPD) to pursue additional sources of supply. A representative of the NPD Branch will locate alternate sources for this support and alternate acceptable products. Engineering, contracting and NPD will continuously conduct market research to ensure that companies interested in doing business with the USCG are given every opportunity to compete for our requirements.

## **Justification for Other Than Full and Open Competition**

**August 8, 2008**

### **(12) *Contracting Officer Certification.***

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

---

**WADE JOHNSON**  
**Contracting Officer**

---

**DATE**

### **(13) *Technical/Requirements Personnel Certification.***

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

---

**CWO K. Barrick**  
**USCG, HC-144 Engineering**

---

**DATE**

**Signatures are on file**